

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Cr. No. 94-10287-MLW
)	
FRANCIS P. SALEMME,)	
Defendant)	

ORDER

WOLF, D.J.

January 24, 2013

James Bulger, the defendant in United States v. Bulger, No. 99-10371-RGS (the "Stearns Case"), filed a Motion for Production of Sealed Documents in the above-captioned case, which this court denied without prejudice. See Nov. 6, 2012 Order. The government has conferred with counsel for Bulger and proposes to disclose to Bulger certain sealed documents in this case, with some redactions, subject to a protective order to be issued by this court as well as to any protective order issued in the Stearns Case. See Gov. Ex Parte Sealed Submission in Response to Court Order Dated December 5, 2012 (Docket No. 2362 under seal) (the "December 11, 2012 Submission"); Gov. Ex Parte Sealed Submission in Response to Court Order Dated December 31, 2012 (Docket No. 2369 under seal) (the "January 8, 2013 Submission"). Bulger has agreed to be subject to any protective order issued by this court, as well as to any protective order issued in the Stearns Case. See Def. Acknowledgment that Protective Order Will Be Enforced (Docket No. 2360).

In view of the foregoing, it is hereby ORDERED that:

1. If the affidavits required by paragraphs 1(d) have been filed by February 1, 2013, the documents in the December 11, 2012 Submission, as revised in the January 8, 2013 Submission, shall, by February 5, 2013, be produced to defendant subject to the following:

a) The documents, transcripts, and any information not previously disclosed in judicial proceedings (the "Information") they contain shall be disclosed only to Bulger, his counsel, and the individuals necessary to assist his counsel in the Stearns Case or in this case. Each of the foregoing is an "Authorized Individual" for the purpose of this Order.

b) Counsel for the government and the individuals necessary to assist them in the Stearns Case or in this case are each also an "Authorized Individual" for the purpose of this Order.

c) The documents, transcripts, and the Information they contain shall be used by each Authorized Individual solely for the purpose of litigating matters in the Stearns Case or in this case. Each Authorized Individual shall not divulge the documents, transcripts, or the Information they contain to anyone who is not an Authorized Individual.

d) Each Authorized Individual shall file, by February 1, 2013, under seal, a statement under oath representing that he or she has read this Order and recognizes that a willful violation of it may be deemed a civil and/or criminal contempt.

e) If authorized by order in the Stearns Case, counsel for the parties may, for the purpose of preparing the Stearns Case, show to a prospective witness and his or her attorney(s) any document or transcript produced in discovery that is subject to this Order, and may speak with such prospective witness based on such document or transcript, or the Information it contains.

f) Any submission to the court, in the Stearns Case or in this case, that refers to a document, transcript, or Information that is subject to this Order, shall be filed: (i) at least temporarily under seal; and (ii) with a proposed redacted version to be made, upon order of the court, part of the public record if the complete document is not unsealed.

2. The provisions of paragraph 1 hereinabove will, upon request, be reviewed and, if appropriate, revised by this court for, among other things, the purpose of any hearing or the trial of the Stearns Case.

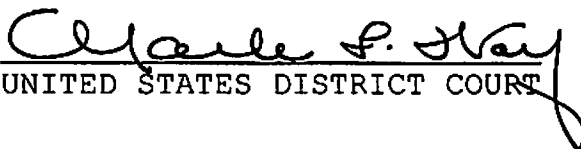
3. This Order is without prejudice to the right of Bulger or the government to request disclosure of additional documents, transcripts, or information under seal in this case.

4. This Order does not affect any sealed submission in this case or sealed transcript, any portion of such document or transcript, or the Information contained in such document or transcript, that is not to be produced to Bulger pursuant to this Order. Any request to unseal or produce any other document or

transcript sealed in this case, or the Information it contains, shall be made to, and will be decided by, this court.

5. Paragraph 4 hereinabove shall not operate to prevent the government from producing to Bulger any preexisting government record that was not initially prepared for the purpose of this case, but was subsequently filed under seal in this case.¹ The parties are not by this Order restricted in their use of any Information contained in such a record, but may be by the protective orders entered in the Stearns Case.

6. A copy of this Order shall be provided to Judge Stearns.


UNITED STATES DISTRICT COURT

¹Such preexisting government records include, but may not be limited to, the inserts in Bulger's Federal Bureau of Investigation informant file about which the government expressed concern at the January 24, 2013 hearing.